6750-0010 (IT02-U05.US2)

**PATENT** 

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By: Muchelle tobson

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|  | In re ap | plication of | LANG et al. |
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Serial No.:

10/681,749

Examiner:

Unassigned

Confirmation No.:

8140

Art Unit:

3738

Filed:

October 7, 2003

For:

MINIMALLY INVASIVE JOINT IMPLANT WITH 3-DIMENSIONAL

GEOMETRY MATCHING THE ARTICULAR SURFACES

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Enclosed is an Information Disclosure Statement and accompanying Form PTO/SB/08A for the above-identified patent application.

| [X] | In accordance with 37 C.F.R. §1.97(b), no additional fee for submission of the IDS is required.  |
|-----|--|
| []  | In accordance with 37 C.F.R. §1.97(c), also enclosed is:   |
|     | [] the fee of \$180.00 as set forth in 37 C.F.R. §1.17(p); or  |
|     | [] a statement as specified in 37 C.F.R. §1.97(e).   |
| []  | In accordance with 37 C.F.R. §1.97(d), a statement as specified in 37 C.F.R. § 1.97(e) and the fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) are also enclosed. |
| []  | Check No in the amount of \$ for the total fee is attached.  |

## Attorney Docket No. 6750-0010 (IT02-U05.US2) Serial No. 10/681,749 Page 2

- [X] A return receipt postcard is also enclosed.
- [] Please charge \$\_\_\_\_ to Deposit Account No. 18-1648 for the total fee. This paper is being submitted in duplicate.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 18-1648.

Dated: 3-22-64

Respectfully submitted,

Robins & Pasternak LLP

1731 Embarcadero Road, Suite 230

Palo Alto, CA 94303

Tel: (650) 493-3400 Fax: (650) 493-3440 By:

Dahna S. Pasternak Reg. No. 41,411 6750-0010 (IT02-U05.US2)

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By: Michelle Hobson

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# INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(b)

In accordance with the duty of disclosure set forth in 37 C.F.R. §1.56, Applicant(s) hereby submits the following information in conformance with 37 C.F.R. §§1.97 and 1.98.

- [X] Pursuant to 37 C.F.R. §1.98, copies of the publications <u>B1-12</u> cited in the attached Form PTO/SB/08 are enclosed.
- [X] No copies of the publications A1-30 listed on the attached Form PTO/SB/08A are being provided because the Office waives the requirement under 37 C.F.R. 1.98 (a) (2) (i) for submitting a copy of each cited U.S. patent and each U. S. patent application publication for all U.S. national patent applications filed after June 30, 2003
- [] No copies of the publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No. \_\_\_ to which the above-identified application claims priority under 35 U.S.C. §120.

|         | []                           | Publication(s) listed on the attached Form PTO/SB/08A were cited in a foreign search or examination report corresponding to application serial no and mailed on   |
|---------|------------------------------|---|
|         |                              | Enclosed is a copy of a non-English publication(s) Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s). |
|         | []                           | Enclosed is a copy of a non-English publication(s) English language publication (copy enclosed) claims priority from this non-English publication.  |
|         | []                           | Enclosed is an explanation of non-English publication(s) for which an English translation is not available.   |
|         | []                           | Enclosed is an English translation of non-English publication(s)cited in the attached Form PTO/SB/08A.  |
|         | []                           | Enclosed is a copy of pending patent Application Serial No  |
| time pe |                              | formation Disclosure Statement is filed within any one of the following   |
|         | []                           | within three months from the filing date of this national application other than a CPA under 37 C.F.R. § 1.53(d);   |
|         | []                           | within three months from the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in this international application;  |
|         | [X]                          | before the mailing date of a first office action on the merits; or  |
|         |                              | before the mailing of a first office action after the filing of a request for continued examination under 37 C.F.R. §1.114.   |
|         | It is res                    | spectfully requested that the Examiner consider the above-noted   |
| inform  | ation ar                     | nd return an initialed copy of the attached Form PTO/SB/08A to the  |
| undersi | igned.                       |   |
| Dated:  | 3-2                          | Respectfully submitted,   |
|         | mbarca<br>lto, CA<br>50) 493 | -3400 By: <u>Mullian</u><br>3-3440 Dahna S. Pasternak   |
|         |                              | Reg. No. 41,411   |

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|       |                     |          |            | Application Number     | 10/681,749        |
| IN    | FORMATIC            | N DI     | SCLOSURE   | Filing Date            | October 7, 2003   |
| ST    | CATEMENT            | BY A     | PPLICANT   | First Named Inventor   | LANG              |
|       | ;                   |          |            | Group Art Unit         | 3738              |
|       | (use as many s      | neets as | necessary) | Examiner Name          | Unassigned        |
| Sheet | 1                   | of       | 3          | Attorney Docket Number | 6750-0010         |

|                       |              |                         | U.S. P                                      | ATENT DOCUMENTS                                 |   |
|-----------------------|--------------|-------------------------|---|---|---|
| Examiner<br>Initials* | Cite<br>No.1 | U.S. Patent I<br>Number | Oocument  Kind Code <sup>2</sup> (if known) | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited<br>Document MM-DD-YYYY |
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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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| Substitute for form 1449A/PTO |                 |          |              | Complete if Known      |                 |  |
|-------------------------------|-----------------|----------|--------------|------------------------|-----------------|--|
|                               |                 |          |              | Application Number     | 10/681,749      |  |
| IN                            | FORMATION       | ON DI    | ISCLOSURE    | Filing Date            | October 7, 2003 |  |
| S                             | <b>FATEMENT</b> | BY       | APPLICANT    | First Named Inventor   | LANG            |  |
|                               |                 |          |              | Group Art Unit         | 3738            |  |
|                               | (use as many s  | sheets a | s necessary) | Examiner Name          | Unassigned      |  |
| Sheet                         | 2               | of       | 3            | Attorney Docket Number | 6750-0010       |  |

|                       |   |                     |                    | FOREIGN                           | PATENT DOCUMENTS                                |  |                |
|-----------------------|---|---------------------|--------------------|-----------------------------------|---|--|----------------|
| Examiner<br>Initials* | Cite<br>No. <sup>1</sup>                | Office <sup>3</sup> | Foreign Patent Doc | Kind Code <sup>5</sup> (if known) | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Τ <sup>6</sup> |
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| Examiner  | Date       |  |
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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Unique citation designation number.

<sup>&</sup>lt;sup>2</sup> See attached Kinds of U.S. Patent Documents.

<sup>&</sup>lt;sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

<sup>&</sup>lt;sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>&</sup>lt;sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.

<sup>&</sup>lt;sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

| Sub   | bstitute for for | m 1449A/PT    | 0            |                        | Complete if Known |
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|       |                  |               |              | Application Number     | 10/681,749        |
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| S     | TATEME           | NT BY A       | PPLICANT     | First Named Inventor   | LANG              |
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|       | (use as mo       | any sheets as | s necessary) | Examiner Name          | Unassigned        |
| Sheet | 3                | of            | 3            | Attorney Docket Number | 6750-0010         |

|                                       |              | OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS   |
|---------------------------------------|--------------|---|
| Examiner<br>Initials*                 | Cite<br>No.1 | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. |
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